



10-11-02

3732

PATENT

Attorney Docket No. 101.0101-00000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson) Group Art Unit: 3732
Serial No.: 09/768,991)
Filed: January 23, 2001)
For: INTERBODY SPINAL IMPLANT)
WITH TRAILING END ADAPTED TO)
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TECHNOLOGY CENTER 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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Express Mail Mailing Label No. EV 044 233 321 US

Date of Deposit: October 10, 2002

I hereby certify that:

1. Information Disclosure Statement;
2. PTO Form 1449 with three (3) documents; and
3. Self-addressed return postcard receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Date: 10/10/02

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TECHNOLOGY CENTER 26700

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes a certification as specified by Section 1.97(e).

Each document listed in this Information Disclosure Statement was cited in a communication from an International Search Authority in a counterpart PCT application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

A copy of the listed document is submitted herewith.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

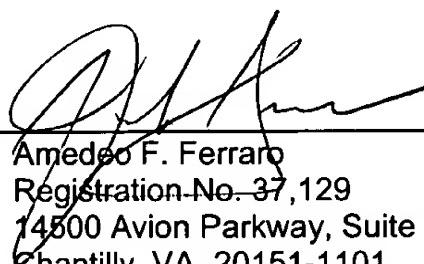
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: 10-10-02

By: 

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